

4. The Defendant, Rite Aid Corporation (“RAC”), is a Pennsylvania business entity with an address of 30 Hunter Lane, Camp Hill, Pennsylvania 17011, and is a “person” as defined by 47 U.S.C. § 153(10).

FACTS

5. Beginning in or around October 2013, Defendant started placing multiple calls to Plaintiff's cellular telephone, number 215-xxx-0192.

6. At all times mentioned herein, Defendant contacted Plaintiff using an automated telephone dialer system ("ATDS" or "predictive dialer") and/or by using an artificial or prerecorded voice.

7. Plaintiff has no prior business relationship with Defendant and never provided his consent to be contacted on his cellular phone.

8. Defendant's ATDS calls were not intended for Plaintiff. When Plaintiff answered the calls, he heard a pre-recorded message stating, "This message is for Brenda Lee. Your prescription is ready..."

9. To date, Plaintiff has received approximately 32 such ATDS calls to his cellular telephone.

COUNT I

**VIOLATIONS OF THE TELEPHONE CONSUMER PROTECTION ACT –
47 U.S.C. § 227, ET SEQ.**

10. The Plaintiff incorporates by reference all of the above paragraphs of this Complaint as though fully stated herein.

11. Without prior consent the Defendant contacted the Plaintiff by means of automatic telephone calls or prerecorded messages to his cellular telephone in violation of 47 U.S.C. § 227(b)(1)(A)(iii).

12. The telephone number called by Defendant was assigned to a cellular telephone service for which Plaintiff incurs charges for incoming calls pursuant to 47 U.S.C. § 227(b)(1).

13. The calls from Defendant to Plaintiff were not placed for “emergency purposes” as defined by 47 U.S.C. § 227(b)(1)(A)(i).

14. As a result of each call made in negligent violation of the TCPA, Plaintiff is entitled to an award of \$500.00 in statutory damages for each call in violation of the TCPA pursuant to 47 U.S.C. § 227(b)(3)(B).

15. As a result of each call made in knowing and/or willful violation of the TCPA, Plaintiff is entitled to an award of treble damages in an amount up to \$1,500.00 pursuant to 47 U.S.C. § 227(b)(3)(B) and 47 U.S.C. § 227(b)(3)(C).

PRAYER FOR RELIEF

WHEREFORE, the Plaintiff prays that judgment be entered against the Defendants:

1. Statutory damages of \$500.00 for each violation determined to be negligent pursuant to 47 U.S.C. § 227(b)(1)(A);
2. Treble damages for each violation determined to be willful and/or knowing pursuant to 47 U.S.C. § 227(b)(3)(C); and
3. Such other and further relief as may be just and proper.

TRIAL BY JURY DEMANDED ON ALL COUNTS

Dated: March 17, 2014

Respectfully submitted,

By /s/ JBB8445

Jody B. Burton
Bar No.: 71681
LEMBERG LAW, LLC.
1100 Summer Street, 3rd Floor
Stamford, CT 06905
Telephone: (203) 653-2250
Facsimile: (203) 653-3424
Attorneys for Plaintiff